

### **4. Who carries out executive responsibilities?**

- 4.1 Need to act within the budget and policy framework
- 4.2 Gaps in the policy framework
- 4.3 Need to follow the Constitution
- 4.4 Delegation to officers
- 4.5 Decisions that must be agreed by Cabinet
- 4.6 Delegation to single Cabinet Members
- 4.7 Ward member decisions
- 4.8 Decisions relating to Port Meadow and Wolvercote Common
- 4.9 Public Spaces Protection Orders
- 4.10 Responsibilities not covered by these rules

#### **4.1 Need to act within the budget and policy framework**

Executive responsibilities must be carried out within the budget and policy framework.

#### **4.2 Gaps in the policy framework**

In areas where the law requires there to be a plan or a strategy, no executive responsibilities can be carried out until a suitable plan or strategy is agreed by Council.

In areas where the law does not require there to be a plan or a strategy, the Leader (or Cabinet, or any members or officers the Leader has delegated to) can do anything within the law.

#### **4.3 Need to follow the Constitution**

Executive responsibilities must be carried out in a way that follows the Constitution. Special attention should be paid to the Finance and Contract Rules (Parts 18 and 19).

#### **4.4 Delegation to officers**

All executive functions except the ones in Part 4.5 and 4.6 are delegated to the officers in the senior management structure (Part 9.1 and Part 9: Annex 1).

Officers in the senior management structure can authorise officers they line manage or other officers with the relevant skills and responsibilities to undertake delegated functions but will remain responsible and accountable for the exercise of the delegated functions.

An officer can only carry out a responsibility if:

- they (or an officer who reports to them) have budgetary or management responsibility for it and

- the Constitution or the law does not require it to be carried out by someone else.

Details of the following decisions taken by officers under delegated powers will be published on the Council website:

- Awarding a contract with a value in excess of £10,000 but less than £1,000,000 when the Council is the buyer
- Acquiring or disposing of freeholds or leaseholds with a consideration or premium in excess of £10,000 but less than £500,000
- Granting to new tenants or disposing of leases with a rental value in excess of £10,000 per annum but less than £125,000. This excludes assignments, holding over and rent reviews
- Granting 'project approval' for projects in excess of £10,000 but less than £500,000
- Making a regulatory order which affects a number of people, for example a Public Space Protection Order or a Parking Place Order
- Discharging an express delegation from Cabinet where there is an element of discretion to be exercised by the officer.

### **4.5 Decisions that must be agreed by Cabinet**

1. recommending to Council the budget and policy framework (Part 5.2)
2. recommending to Council the medium term financial strategy
3. agreeing a draft budget for consultation
4. recommending extra spending outside the budget to Council
5. using a year-end surplus in a trading account
6. considering periodic financial, risk, performance management and customer feedback monitoring reports
7. agreeing the risk management strategy
8. recommending to Council transfers of assets between the general fund and housing revenue account
9. agreeing transfers between cost centres of £250,000 to £500,000 that are consistent with the policy framework.
10. giving project approval for projects of £500,000 or over
11. accepting tenders of £1,000,000 or over
12. considering reports from the National Audit Office and agreeing action plans in response
13. receiving Scrutiny recommendations and re-considering decisions of the Cabinet which have been referred back from Scrutiny following the call-in of a Cabinet decision

14. matters that the statutory officers (Part 9.2) of the Council place on the agenda
15. making compulsory purchase orders
16. agreeing the strategy for setting fees and charges and setting fees and charges for executive functions (to the extent that the budget has not set fees and charges)
17. responding to consultations by outside bodies where the Leader wishes the Cabinet to approve the response
18. appointing and nominating representatives to outside bodies
19. adopting supplementary planning guidance
20. acquiring or disposing of freeholds or leaseholds with a consideration or premium over £500,000 except for disposals pursuant to right to buy legislation
21. acquiring or disposing of leases with a rental value over £125,000 each year except statutory lease renewals under Part II of the Landlord & Tenant Act 1954
22. disposing of property or leases for less than best consideration
23. changing eligibility for services
24. agreeing the community and voluntary organisations grants prospectus
25. giving grants (except small and emergency grants, historic buildings grants and renovation, improvement and adaptation grants for private properties)
26. setting minimum service standards
27. designations of conservation areas
28. the following responsibilities in relation to street naming and numbering
  - (a) naming and numbering of streets if there are unresolved objections following consultation
  - (b) Agreeing policy redrafts and/or any substantial amendments to the Street Naming and Numbering Policy
  - (c) Consider whether a review of a street name should be carried out (on receipt, by the Council, of representations from local councillors and evidence that a substantial proportion of those who live in properties in the street or road are calling for a change in the street name)
  - (d) Renaming a street in the event of there being a balance of judgments to be made or there are unresolved objections following consultation about possible names.
29. adoption of Public Spaces Protections Orders that geographically include the whole local authority area
30. confirming, where there have been objections, Article 4 Directions which restrict the scope of permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995(as amended)
31. formally designating a Neighbourhood Plan area

32. designating a Neighbourhood Forum as a “relevant body”
33. agreeing that the legal tests have been met and to proceed with the consultation stage in relation to a draft Neighbourhood Plan
34. submitting any consultation responses and a draft Neighbourhood Plan for independent examination
35. approving the modifications to policies in a Neighbourhood Plan as recommended by an Examiner’s report and approving any factual modifications that have been made for the purpose of correcting errors and approving any factual modifications relating to textual changes in the introductory chapters or in terms of the justification for the policies in a draft Neighbourhood Plan
36. agreeing that a draft Neighbourhood Plan (as modified) is submitted to a referendum
37. agreeing single carry forward sums in excess of £10,000
38. making decisions under the Community Infrastructure Levy Exceptional Circumstances Relief Policy
39. agreeing annual or regular flag flying and bell ringing commitments
40. recommending to Council loans and financial guarantees of over £250,000 to a company which is not wholly owned by the Council or to another external organisation
41. agreeing whether to discharge an executive function by way of joint arrangement
42. agreeing whether to accept a delegation of an executive function from another local authority under joint arrangements

#### **4.6 Delegation to single Cabinet Members**

The Leader may delegate executive responsibilities to a single Cabinet Member with or without consultation with officers or other Cabinet Members.

Cabinet Members do not have to use the delegated powers: they can ask the Leader to decide. The delegation can also be withdrawn by the Leader.

Any decisions delegated to a single Cabinet Member shall only be taken having regard to a written report submitted to them by the relevant officer within the senior management structure including any advice from the Head of Financial Services and the Head of Law and Governance.

If a Cabinet Member with delegated powers has a disclosable pecuniary interest in a matter for decision the Cabinet Member must declare the interest as required by the Members’ Code of Conduct and not exercise the delegated function. The delegated function will instead be exercised by the Leader or another Cabinet Member authorised by the Leader.

Key decision procedures and call in procedures will apply to any key decisions delegated to a single Cabinet Member.

Once a Cabinet Member has taken a delegated decision, the Council will produce a record of the decision.

### 4.7 Ward member decisions

- (a) Each member of Council will (subject to the budget being approved annually by Council) be allocated an amount of money to spend in their ward (Ward Member Budgets). Members representing wards not covered by a parish council may also be allocated a neighbourhood portion of Community Infrastructure Levy (CIL) monies. If the ward member changes during the year without their full allocations being designated (including any allocations carried forwards from a previous year), the replacement ward member will be able to allocate the remaining balance.
- (b) The Ward Member Budget allocation may be spent only if it would benefit the economic, social or environmental well-being in relation to the member's own ward. Members may pool budgets across adjoining wards to benefit a wider area. The allocation can be spent on community projects benefiting groups or communities living or working in the ward such as:
- Improving, refurbishing or cleaning up parts of the local area
  - Purchasing new street furniture or signage (having regard to any future servicing or maintenance requirements)
  - Supporting local groups, events or newsletters

The allocation cannot be spent on:

- Projects that would financially benefit the ward member or members of their family directly
  - Projects that are political in nature
  - Projects that conflict with the statutory functions or values of the Council
  - Projects that conflict with a Council decision or proposed course of action (e.g. to lobby against a planning application)
  - Projects that would only benefit an individual personally without serving a wider community interest.
- (c) CIL monies must be spent on local infrastructure which may include:
- The provision of infrastructure
  - The improvement of infrastructure
  - The replacement of infrastructure
  - The operation and maintenance of infrastructure
  - Anything else to mitigate the demands development places on an area, including one-off feasibility studies to further proposals for capital projects
- (d) Any spend must be approved by the Monitoring Officer and the Chief Finance Officer. CIL allocations must also be approved by the Head of Planning Services.
- (e) No spend may be sought in a financial year in which City Council elections are held before those elections are held.

- (f) The decision to incur the spend may be called-in (Part 17)
- (g) Any unspent allocations at the end of a financial year will be carried forwards unless Council agrees otherwise.
- (h) Details of the use of ward member budgets including the level of spend and projects funded will be published on the Council website at the end of the financial year.

### **4.8 Decisions relating to Port Meadow and Wolvercote Common**

Decisions of the Cabinet, ward members and officers that relate to the ownership and management of Port Meadow and Wolvercote Common, including access, works, agricultural and public activities will be subject to consultation and agreement with the Freemen and Commoners having regard to their respective rights over the Meadow and Common.

### **4.9 Public Spaces Protection Orders**

Cabinet will adopt Public Spaces Protection Orders that geographically include the whole local authority area. In respect of other PSPOs, following consultation with the Cabinet Member responsible for community safety and the ward members, the Chief Executive, an Assistant Chief Executive or an Executive Director can adopt and publish Public Spaces Protection Orders. All of the statutory requirements for the making of an order must be satisfied. Any proposal for a PSPO covering two or more Council wards must be treated as a Key Decision (Part 15.15).

### **4.10 Responsibilities not covered by these rules**

If a responsibility is not reserved to the Cabinet and no one has budgetary and management responsibility for it, the Leader will arrange for it be carried out by the Cabinet or an officer.

The Head of Planning Services will be responsible for the executive functions, not reserved to the Cabinet, in the Community Infrastructure Levy Regulations 2010.